

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2443*

House Bill No. 2589

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-30-308, is amended by adding the following new subsection:

(c) An employee in the preferred service who accepts another preferred service position within the same state agency shall serve a subsequent probationary period for a time period of not less than one (1) year. An employee serving a subsequent probationary period may appeal a suspension, demotion, or separation from service; provided, that an employee shall not appeal a demotion that returns the employee to the employee's immediately preceding former position.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.



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Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2520

House Bill No. 1574*

by inserting the following new sections immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION ____ Tennessee Code Annotated, Section 4-1-412(b), is amended by deleting subdivision (2) and substituting instead the following:

(2) No memorial or public property that contains a memorial may be sold, transferred, or otherwise disposed of by a county, metropolitan government, municipality, or other political subdivision of this state.

(3)

(A) Notwithstanding subdivision (b)(1), a public entity having responsibility for maintaining a memorial, or a nonprofit entity acting with permission of the public entity, shall have the authority to take proper and appropriate measures, and exercise proper and appropriate means, for the care, preservation, protection, repair, restoration, and renovation of the memorial.

(B) This subdivision (b)(3) shall not be construed to authorize:

(i) Permanent removal or concealment of a memorial; or

(ii) Temporary removal or concealment of a memorial for a period exceeding forty-five (45) calendar days in any twelve-month period.

SECTION ____ Tennessee Code Annotated, Section 4-1-412(c), is amended by deleting subdivision (1) and substituting instead the following:

(1) A public entity exercising control of a memorial may petition the commission for a waiver of subdivision (b)(1) or (b)(2), or both, if applicable. A public entity shall petition the commission for a waiver prior to undertaking any action or transaction,



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including any action or transaction involving a nonprofit entity or private party, that could foreseeably violate the restrictions imposed by this section.

SECTION ____ Tennessee Code Annotated, Section 4-1-412(c), is amended by deleting subdivision (6) and substituting instead the following:

(6) An interested entity, group, or individual shall be afforded an opportunity to offer public comments regarding a petition for waiver at any commission hearing on a petition. An interested entity, group, or individual may file a memorandum, report, study, letter, or other document related to the petition for consideration by the commission. In addition, an interested entity, group, or individual may intervene in any petition for waiver by filing written notice with the commission not less than forty-five (45) calendar days prior to the final hearing. Upon filing notice, the interested entity, group, or individual shall be a party in all proceedings on the petition for waiver, shall receive copies of all filings, and may present relevant testimony and evidence at any hearing on the petition. Once notice is filed with the commission, the status of the interested entity, group, or individual as a party to the petition for waiver, and any subsequent or concurrent administrative or judicial proceedings, may only be waived in writing by the interested entity, group, or individual.

SECTION ____ Tennessee Code Annotated, Section 4-1-412(c)(9), is amended by deleting the language "or interested entity, group, or individual who testified or submitted evidence at the final hearing" and substituting instead the language "or interested entity, group, or individual who intervened in accordance with subdivision (c)(6)".

SECTION ____ Tennessee Code Annotated, Section 4-1-412, is amended by deleting subsection (d) and substituting instead the following:

(d) Any entity, group, or individual who can demonstrate a real interest in a memorial through aesthetic, architectural, cultural, economic, environmental, or historic injury, through petition for declaratory order, or through administrative involvement in either the waiver or complaint process, has standing to seek injunctive or other relief in chancery court of Davidson County to enforce this section. To the extent necessary to preserve the status of any memorial prior to a final determination on a waiver or

complaint by the commission, administrative law judge, or chancery court, the court shall issue a restraining order or injunction to preserve the memorial and any related public property pending a final ruling on any request for injunctive relief. No bond or other security shall be required for any restraining order or other injunctive relief issued.

SECTION ____ Tennessee Code Annotated, Section 4-1-412, is amended by adding the following language as new subsections:

()

(1) The commission has authority to receive and consider complaints alleging violations of subdivision (b)(1), (b)(2), or (b)(3)(B).

(2) Complaints may be filed by any entity, group, or individual. All complaints must be in writing on a uniform complaint form to be posted on the website of the commission. Complaints must be filed within one hundred twenty (120) calendar days of the alleged violation.

(3) A hearing on a complaint must be set within one hundred twenty (120) calendar days after the complaint is filed. Multiple complaints alleging the same violation must be joined. The complainant and public entity shall be given at least thirty (30) calendar days' notice of the date of the hearing. The complainant and the public entity shall be afforded the opportunity to present evidence at the hearing. At the hearing, the commission may determine that a violation has occurred by a majority vote of the entire membership of the commission; provided, that if the complainant is a member of the commission, the member shall not participate in the commission's deliberations or vote on the complaint. If a violation has occurred, the commission shall prepare a written violation determination. The complaint shall be deemed dismissed if a violation is not determined to have occurred at the hearing. Once acted upon, no complaint alleging the same, or substantially the same, violation by the same public entity during the same episode shall be received and considered by the commission unless initiated by the commission.

(4) The commission shall transmit a copy of a violation determination to the public entity and to the department of economic and community development.

(5) A public entity that violates any provision of this section shall be precluded from receiving grants administered by the commission and the department of economic and community development for a period of five (5) years from the date upon which a violation determination is made.

() The commission, at its discretion, may assist any public entity or historic organization with preservation of a memorial through consultation, best practices, or other available resources.

() Notwithstanding any provision of this section, in lieu of a waiver, a historic organization may petition the commission to transfer ownership of, relocate, or both transfer ownership of and relocate, a memorial to the historic organization with the consent of the public entity exercising control over the memorial. The petition must be filed with a copy of a resolution, ordinance, or order from the governing body of the public entity consenting to the transfer, relocation, or both transfer and relocation. The petition must include an assessment of costs associated with the transfer, relocation, or both transfer and relocation, and identify who will be responsible for the costs. If the petition includes relocation, a description or map of the proposed location must be submitted with the petition. A memorial may be relocated only to an accessible and suitable location within this state as determined by the commission. The commission may approve a petition upon a majority vote of the entire membership of the commission.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2122

House Bill No. 2096*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 7, is amended by adding the following language as a new section:

(a) The prime sponsor of a bill or resolution who disagrees with any aspect of the fiscal note for the bill or resolution or with any aspect of a fiscal memorandum for an amendment to the bill or resolution may present information concerning the fiscal effect of the bill or resolution to the fiscal review committee at any regularly scheduled meeting or at any other meeting called by the chair in accordance with § 3-7-102(a).

(b) The sponsor shall give at least seven (7) days written notice prior to any meeting in order to have the bill or resolution placed on the agenda of the committee. The notice shall be filed with the executive director of the committee on a form prescribed by the executive director.

(c) If a fiscal note or fiscal memorandum for a bill placed on the agenda of the committee is based on information supplied by an agency, the chair may request the agency to provide relevant information to the committee and be present at the meeting for testimony.

(d) Where permitted by state and federal law, the committee is entitled to receive information that is required by law to be kept confidential. Before submitting any such information to the committee, the submitting agency shall conspicuously mark each confidential document in a manner that indicates that the document is to be kept confidential and that notes the legal authority under which the document must be kept confidential. The committee shall maintain the same level of confidentiality as is



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required by law of the agency from which the report is obtained, including implementing protocols to ensure against the unintentional disclosure of the confidential information, such as shredding sensitive documents when finished, storing the documents in a locked cabinet, and securely handling any documents electronically. Members and staff of the committee are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the agency from which the report is obtained, and members and staff of the committee shall not disclose any confidential information to non-committee members, including other members of the general assembly, members of the general public, or the press.

(e) For the purposes of this section, "agency" means a department, board, commission, institution, office, agency, or other entity of state government.

(f) The committee may adopt procedures to implement this section.

SECTION 2. This act shall take effect November 6, 2018, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2501

House Bill No. 1763*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 12-4-107(a), is amended by deleting the language "All contracts for architectural, engineering and construction services" and substituting instead the language "All contracts for architectural and engineering services and construction services for projects described in subsection (b)".

SECTION 2. Tennessee Code Annotated, Section 12-4-107, is amended by deleting subsection (b) and substituting instead the following:

(b) Construction projects of a county, city, metropolitan government, or town shall meet the following requirements:

(1) For construction of local projects or additions to existing buildings, a county, city, metropolitan government, or town may contract for construction management agent or advisor services or construction manager at risk services. Construction management services may be performed by a qualified person licensed under the Contractors Licensing Act of 1994, compiled in title 62, chapter 6. Construction management services are to be procured for each project through a written request for proposals process through advertisement. The procurement and advertisement shall be in accordance with laws, regulations, and ordinances of the county, city, metropolitan government, or town. The written request for proposals process shall invite prospective proposers to participate and shall indicate the service requirements and the factors used for evaluating the proposals. These factors may include the construction manager's qualifications and experience on similar projects,



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qualifications of personnel to be assigned to the project, fees and costs, or any additional factors deemed relevant by the procuring entity for procurement of the service. The contract for such services shall be awarded to the best qualified and responsive responder. A construction manager agent or advisor is prohibited from undertaking actual construction work on a project over which the construction manager agent or advisor coordinates or oversees the planning, bid, or construction phases of the project, except in instances when bids have been solicited twice and no bids have been submitted. If the construction manager agent or advisor can document that a good faith effort was made in each bid solicitation to obtain bids and no bids were received, then the construction manager agent or advisor may perform the construction work at a price agreed upon by the construction manager agent or advisor, the architect, and the owner of the project. A governing body, at its own discretion, may perform work on the project with its own employees and may include the coordination and oversight of this work as part of the services of the construction manager agent or advisor. Sealed bids for actual construction work shall be opened at the bid opening and the names of the contractors and their bid amounts shall be announced.

(2) Construction management agent or advisor services or construction manager at risk for the construction of local projects or additions to existing buildings in accordance with subdivision (b)(2)(A) may be performed by:

(A) A general contractor licensed in this state pursuant to the Contractors Licensing Act of 1994, compiled in title 62, chapter 6; provided, that none of such services performed by a general contractor involve any of the services exempt from the requirements of title 62, chapter 6 as "normal architectural and engineering services" under § 62-6-102(4)(B), unless, with regard to the performance of any services defined as normal architectural and engineering services, the general

contractor is also licensed as an architect or engineer under title 62, chapter 2; or

(B) An architect or an engineer licensed pursuant to title 62, chapter 2; provided, that none of such services performed by an architect or engineer involve any of the services required to be performed by a contractor within the definition of "contractor" under § 62-6-102, unless with regard to the performance of any services included within the definition of "contractor", the architect or engineer is also licensed as a contractor under the Contractors Licensing Act of 1994, compiled in title 62, chapter 6.

(3) Construction work that is under the coordination and oversight of a construction manager shall be procured through competitive bids.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2722

House Bill No. 2681*

by deleting all language after the caption and substituting instead the following:

WHEREAS, the property described below is part of the property conveyed in trust by the State of Tennessee to the Sam Davis Memorial Association by Section 1 of Chapter 92 of the Public Acts of 1931, codified as Tennessee Code Annotated, § 4-13-301; and

WHEREAS, Section 4 of Chapter 92 of the Public Acts of 1931, codified as Tennessee Code Annotated, § 4-13-307, provides that the State may revoke such trust at will; and

WHEREAS, the Sam Davis Memorial Association has requested permission to sell a portion of the property to finance repairs and upkeep of the property; and

WHEREAS, it has been determined that the purpose of the trust created by Tennessee Code Annotated, § 4-13-301 can be fulfilled after the separation from the trust of the below described property; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Pursuant to Tennessee Code Annotated, § 4-13-307, the trust created by Tennessee Code Annotated, § 4-13-301 is hereby revoked in part, such partial revocation to apply to the following property:

A parcel of land in the Town of Smyrna, Rutherford County, Tennessee, bounded on the north and west by the remaining land of the Sam Davis Memorial Association (map 27, parcel 6.00), on the east by the west right-of-way for Nissan Drive and on the south by the north right-of-way for Sam Davis Road, being described as follows:

Beginning at a point at the intersection of the north right-of-way for Sam Davis Drive and the west right-of-way for Nissan Drive; thence with the north right-of-



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way for Sam Davis Drive, westerly, 52 feet more or less; thence with a new line severing the lands of the Sam Davis Memorial Association, being parallel with the west right-of-way for Nissan Drive, northerly 678 feet more or less; thence easterly, 275 feet more or less to a point in the west right-of-way for Nissan Drive; thence with the west right-of-way of Nissan Drive, in a southerly direction, 450 feet, more or less to the beginning of a curve to the right; thence with the west right-of-way for Nissan Drive, with a curve to the right, 353 feet more or less to the point of beginning, having an area of 4 acres, more or less.

SECTION 2. Section 1 shall be effective only upon the Sam Davis Association obtaining a waiver under the Tennessee Heritage Protection Act from the Tennessee Historical Commission, pursuant to Tennessee Code Annotated, § 4-1-412. If the Sam Davis Association is granted a waiver, then the property described in Section 1 reverts to the Sam Davis Memorial Association and does not revert to this state. The Sam Davis Memorial Association may sell the property and use the proceeds to finance repairs and upkeep of the property remaining in the trust.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____



Signature of Sponsor

FILED
Date <u>8/03/13</u>
Time <u>10:50</u>
Clerk <u>EW</u>
Comm. Amdt. _____

AMEND Senate Bill No. 2715

House Bill No. 2555*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 5, Part 2, is amended by adding the following new section:

(a) Notwithstanding any law to the contrary:

(1) Except as otherwise provided in this subdivision (a)(1), an agency shall not promulgate a rule that increases an existing administrative fee in an amount that exceeds the lesser of five percent (5%) of the fee or the average annual rate of inflation for the immediately preceding calendar year as calculated using the consumer price index published by the United States department of labor, bureau of labor statistics. If an agency does not increase a fee for a period in excess of one (1) year, for each calendar year in which the fee is not increased, the agency may promulgate a rule increasing the fee in an amount not to exceed the aggregate average annual rates of inflation for each preceding calendar year during which the fee was not increased by rule;

(2) An agency shall submit any proposed increase of an existing administrative fee in excess of the amount specified in subdivision (a)(1) as a legislative bill or an amendment to a legislative bill for consideration by the general assembly; and

(3) Any administrative rule that proposes to increase an existing administrative fee in excess of the amount specified in subdivision (a)(1) and that is filed with the secretary of state is null and void.



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(b) For each fee increased by rule in accordance with subdivision (a)(1), not less than thirty (30) days before the rule takes effect, the adopting agency shall submit a written or electronic report to each member of the general assembly that includes the following:

- (1) The text of the proposed rule;
- (2) The amount of the current fee and the amount of the proposed fee;
- (3) A citation to the statutory authority for the fee;
- (4) A detailed explanation of the need for the increase in the fee; and
- (5) The current balance of the account or fund into which the fee is deposited and the ending balance of such account or fund for each of the last two (2) fiscal years.

(c) Nothing in this section may be construed to authorize the creation, establishment, or promulgation of a new administrative fee.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to all administrative rules filed with the secretary of state on or after July 1, 2018.